

MINUTES
BOARD OF APPEALS
VILLAGE OF SEA CLIFF
VILLAGE HALL
300 SEA CLIFF AVENUE
SEA CLIFF, NEW YORK 11579

May 21, 2013

Present:	Chair	Dina Epstein
	Members	Kevin McGilloway Ted Kopczynski Jamie Weil
	Alternate	
	Member	James Toner
	Village Attorney	Brian S. Stolar By John M. Farrell

The meeting was called to order at 8:00 pm.

The Board opened the public hearing on the application of Roger Friedman, 11 Circle Way, Sea Cliff to construct a second story addition and enlarge an existing entryway, which requires variances of the following Village Code provisions to maintain existing conditions: (a) 138-506 in that the front yard width is 98.25 feet, where a minimum of 100 feet is required; and (b) 138-511 in that the side yard setback is 8.9 feet, where a minimum of 15 feet is required. The proposed construction also requires variances of the following Village Code sections: (a) 138-514. In that the floor area will be 3,863 square feet, where a maximum of 3,358 square feet is permitted; and (b) 138-517 in that the front entranceway encroaches 0.5 feet into the permitted front yard setback area. Premises are designated as Section 21, Block 222, Lot 456 on the Nassau County Land and Tax Map. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Ronald Doering, 107 12th Avenue, Sea Cliff to construct a rear covered porch addition and patio, which

requires variances of the following Village Code provisions to maintain existing conditions: (a) 138-404 in that the lot size is 2,400 square feet, where a minimum of 7,500 square feet is required; (b) 138-406 in that the front line width is 40 feet, where a minimum of 75 feet is required; (c) 138-409 in that the width at the setback line is 40 feet, where a minimum of 75 feet is required; (d) 138-411 in that the side yard setbacks are 5.7 feet and 5.9 feet, where a minimum of 10 feet is required; and (e) 138-412 in that the rear yard is 9.1 feet, where a minimum of 20 feet is required. The proposed addition also requires variances of the following Village Code sections: (a) 138-413.1 in that the rear entranceway encroaches into the height setback ratio plane; (b) 138-416 in that the rear entranceway is 4.1 feet from the rear property line, where a minimum of 5 feet is required; and (c) 138-1102 in that the addition increases a non-conformity where no such increase is permitted. Premises are designated as Section 21, Block 139, Lot 1219 on the Nassau County Land and Tax Map. The Board noted that the applicant was not available for the hearing and that the applicant also did not perform the required mailing for the hearing. The Board continued the public hearing to June 18, 2013 at 8:00pm.

The Board opened the public hearing on the application of Edward and Julia Brennan, 9 Locust Place, Sea Cliff to construct a one story addition, which requires variances of the following Village Code provisions to maintain existing conditions: (a) 138-508 in that the existing front yard setbacks are 16.3 feet and 23.6 feet, where a minimum of 25 feet is required, (b) 138-513 in that the building height is 41.5 feet, where a maximum of 30 feet is permitted, (c) 138-513.1 in that the existing dwelling encroaches into the height-setback ratio plane, (d) 138-516 in that the garage is (i) in a front yard where no such garage is permitted, (ii) 3.3 feet from the side property line, where a minimum of 15 feet is required, and (iii) 699 square feet, where a maximum of 500 feet is

permitted, and to create the following conditions: (a) a floor area of 5,024 square feet, where Village Code §138-514.1 provides that the maximum floor area is 4,200 square feet, and (b) increasing a non-conformity where Village Code §138-1102 prohibits such increase. Premises are designated as Section 21, Block 182, Lot 155 on the Nassau County Land and Tax Map. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Christopher and Elizabeth Winchester, 93 LaFayette Avenue, Sea Cliff to construct a 2 story addition and extend a covered porch, which requires variances of the following Village Code provisions to maintain existing conditions: (a) 138-504 in that the lot size is 7,486 square feet, where a minimum of 10,000 square feet is required; (b) 138-506 in that the front property line is 64.45 feet, where a minimum of 100 feet is required; (c) 138-509 in that the width at the setback line is 64.45 feet, where a minimum of 90 feet is required; (d) 138-511 in that a side yard setback is 0.3 feet, where a minimum of 15 feet is required; (e) 138-513 in that the building height is 32.5 feet, where a maximum of 30 feet is permitted; and (f) 138-513.1 in that the dwelling encroaches into eastern height setback ratio plane. The proposed construction also requires variances of the following Village Code sections: (a) 138-513.1 in that the addition will encroach into the western height setback ratio plane; (b) 138-514.1 in that the floor area will be 2,506 square feet, where a maximum of 2,320 square feet is permitted; (c) 138-517 in that the porch extends into the front yard setback beyond the permitted encroachment distance; and (d) 138-1102 in that the construction increases a non-conformity where no such increase is permitted. Premises are designated as Section 21, Block 30.01, Lot 206 on the Nassau County Land and Tax Map. The Board closed the public hearing, and reserved decision.

The Board opened the continued public hearing on the application of Doug and Karin Barnaby, 404 Littleworth Lane, Sea Cliff, New York to subdivide a lot with an existing non-conforming use into three residential lots and a private roadway, which requires variances of the following Village Code sections: (a) 138-501 and 138-1103 to increase an existing non-conformity of a property and use, where no such increase is permitted; (b) 138-506 to permit a front property line of 92.18 feet on one lot and 25.02 feet on another lot, where the minimum required front property line is 100 feet; (c) 138-509 to permit a lot width of 92.18 feet, where a minimum required width of 100 feet is required; (d) 138-511 to permit a side yard setback of 11 feet, where a minimum of 15 feet is required; (e) 138-512 to permit a rear yard setback of 20 feet, where a minimum of 30 feet is required; (f) 138-1002 and 138-1001(A) in that the required number of off-street parking spaces are not provided; and (g) 138-1007 in that (i) the proposed subdivision exacerbates an existing non-conforming condition by creating a property line with less than the required 4 foot setback, and (ii) the driveway depicted on parcel B exceeds the minimum permitted width of 25 feet. The applicants also appeal portions of the Superintendent of Buildings determination. Premises are designated as Section 21, Block L1, Lot 306 on the Nassau County Land and Tax Map. The Board indicated that the Planning Board issued a conditioned negative declaration at its April meeting, and that the comment period for any persons or agencies to submit comments relating to the conditioned negative declaration would be at least 30 days. The Board continued the public hearing to June 18, 2013 at 8:00pm.

The Board opened the continued public hearing on the application of Peter Smorto, Sea Cliff, New York to acquire Carpenter Place, incorporate portions of Carpenter Place into two (2) existing lots, which requires variances of the following provisions of the Village Code: (a) 138-506 to permit front property lines of 54.6 feet, 59.73 feet, and 39.57 feet, where the minimum required for each property line is 100 feet; (b) 138-507 to create a substandard lot width; and (c) 138-1201(C)(1) and 138-1203 to develop an existing substandard lot. Premises are designated as Carpenter Place, Section 21, Block 87, Lots 76A and B, and Section 21, Block 89, Lots 69 and 135 on the Nassau County Land and Tax Map. The Board noted that it had not received responses from potential interested agencies, and the time to submit such responses has passed. The Board continued the public hearing to June 18, 2013 at 8:00pm.

The Board discussed the Friedman application. On motion duly made by Mr. McGilloway, seconded by Mr. Toner, and adopted unanimously, the Board determined that the Friedman application is a Type II matter under SEQRA which requires no further environmental review and that the application for a variance is granted in accordance with the short form decision annexed hereto.

The Board discussed the Brennan application. On motion duly made by Mr. Kopczynski, seconded by the Chair, and adopted unanimously, the Board determined that the Brennan application is a Type II matter under SEQRA which requires no further environmental review and that the application for variances is granted in accordance with the short form decision annexed hereto.

The Board discussed the Winchester application. On motion duly made by Mr. Weil, seconded by the Chair, and adopted unanimously, the Board determined that the Winchester application is a Type II matter under SEQRA which requires no further environmental review and that the application for a variance is granted in accordance with the short form decision annexed hereto.

The Board discussed the request for Max Bushfrers, 7 Highland Place, for an extension of time of the variances granted previously with respect to a treehouse at his premises. Mr. Bushfrers indicated that the treehouse previously proposed had to be replaced with a State Code compliant structure. The original determination issued by the Board provided for a period of 18 months to obtain a certificate of occupancy for the structure. After such discussion, on motion duly made by the Chair, seconded by Mr. Toner, and adopted unanimously, the Board determined to extend the time to obtain a certificate of occupancy for a period of six months after the filing of this decision with the Village Clerk on the condition that there be no further extensions of time.

The Board discussed the environmental impact of the Smorto application. On motion duly made by the Chair, seconded by Mr. Kopczynski, and adopted four votes in favor and Mr. Toner abstaining, the Board adopted the following resolution:

RESOLVED, that the Board hereby finds and concludes:

- a. That the Smorto application is an Unlisted action under the State Environmental Quality Review Act and its regulations;
- b. the Board is the lead agency with respect to environmental review of this proposed action;
- c. the Board has considered the following factors in respect to its review of the environmental impacts of the proposed action:
 - i. whether the proposed action would result in any substantial adverse change in existing air quality, ground or surface water

- quality or quantity, traffic or noise levels, or any substantial increase in solid waste production, or create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
- ii. whether the proposed action would result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;
 - iii. whether the proposed action would impair the environmental characteristics of any Critical Environmental Area;
 - iv. whether the proposed action would conflict with the community's current plans or goals as officially approved or adopted;
 - v. whether the proposed action would impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
 - vi. whether the proposed action would resulting in a major change in the use of either the quantity or type of energy;
 - vii. whether the proposed action would create a hazard to human health;
 - viii. whether the proposed action would create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or its capacity to support existing uses;
 - ix. whether the proposed action would encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
 - x. whether the proposed action would create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when considered together would result in a substantial adverse impact on the environment;
 - xi. whether the proposed action would create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
 - xii. whether the proposed action would result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;
- d. the proposed action would not have a significant adverse environmental impact; and
 - e. no further environmental review is required with respect to the proposed action.

There being no further business, the meeting was adjourned at 9:10 pm.

FRIEDMAN SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on May 21, 2013, on motion of Mr. McGilloway, seconded by Mr. Toner, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. Roger Friedman, 11 Circle Way, Sea Cliff applied to construct a second story addition and enlarge an existing entryway, which requires variances of the following Village Code provisions to maintain existing conditions: (a) 138-506 in that the front yard width is 98.25 feet, where a minimum of 100 feet is required; and (b) 138-511 in that the side yard setback is 8.9 feet, where a minimum of 15 feet is required. The proposed construction also requires variances of the following Village Code sections: (a) 138-514 in that the floor area will be 3,863 square feet, where a maximum of 3,358 square feet is permitted; and (b) 138-517 in that the front entranceway encroaches 0.5 feet into the permitted front yard setback area. Premises are designated as Section 21, Block 222, Lot 456 on the Nassau County Land and Tax Map.
2. The applicant is the record owners of the subject premises.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. The application was referred to the Nassau County Planning Commission in accordance with the streamlining agreement between the Village and the Planning Commission, and no response was received from the Planning Commission.
5. The relief requested in the application is granted provided that (a) the construction shall conform substantially with the plans submitted with the application, and (b) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

BRENNAN SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on May 21, 2013, on motion of Mr. Kopczynski, seconded by the Chair, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. Edward and Julia Brennan, 9 Locust Place, Sea Cliff applied to construct a one story addition, which requires variances of the following Village Code provisions to maintain existing conditions: (a) 138-508 in that the existing front yard setbacks are 16.3 feet and 23.6 feet, where a minimum of 25 feet is required, (b) 138-513 in that the building height is 41.5 feet, where a maximum of 30 feet is permitted, (c) 138-513.1 in that the existing dwelling encroaches into the height-setback ratio plane, (d) 138-516 in that the garage is (i) in a front yard where no such garage is permitted, (ii) 3.3 feet from the side property line, where a minimum of 15 feet is required, and (iii) 699 square feet, where a maximum of 500 feet is permitted, and to create the following conditions: (a) a floor area of 5,024 square feet, where Village Code §138-514.1 provides that the maximum floor area is 4,200 square feet, and (b) increasing a non-conformity where Village Code §138-1102 prohibits such increase. Premises are designated as Section 21, Block 182, Lot 155 on the Nassau County Land and Tax Map.
2. The applicants are the record owners of the subject premises.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. The application was referred to the Nassau County Planning Commission in accordance with the streamlining agreement between the Village and the Planning Commission, and no response was received from the Planning Commission.
5. The relief requested in the application is granted provided that (a) the construction shall conform substantially with the plans submitted with the application, (b) the dwelling unit shall remain one dwelling unit and shall be sued solely as accessory to the principal use of an office on the premises; and (c) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

WINCHESTER SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on May 21, 2013, on motion of Mr. Weil, seconded by the Chair, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. Christopher and Elizabeth Winchester, 93 LaFayette Avenue, Sea Cliff to construct a 2 story addition and extend a covered porch, which requires variances of the following Village Code provisions to maintain existing conditions: (a) 138-504 in that the lot size is 7,486 square feet, where a minimum of 10,000 square feet is required; (b) 138-506 in that the front property line is 64.45 feet, where a minimum of 100 feet is required; (c) 138-509 in that the width at the setback line is 64.45 feet, where a minimum of 90 feet is required; (d) 138-511 in that a side yard setback is 0.3 feet, where a minimum of 15 feet is required; (e) 138-513 in that the building height is 32.5 feet, where a maximum of 30 feet is permitted; and (f) 138-513.1 in that the dwelling encroaches into eastern height setback ratio plane. The proposed construction also requires variances of the following Village Code sections: (a) 138-513.1 in that the addition will encroach into the western height setback ratio plane; (b) 138-514.1 in that the floor area will be 2,506 square feet, where a maximum of 2,320 square feet is permitted; (c) 138-517 in that the porch extends into the front yard setback beyond the permitted encroachment distance; and (d) 138-1102 in that the construction increases a non-conformity where no such increase is permitted. Premises are designated as Section 21, Block 30.01, Lot 206 on the Nassau County Land and Tax Map.
 2. The applicants are the record owner of the subject premises.
 3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
 4. The application was referred to the Nassau County Planning Commission in accordance with the streamlining agreement between the Village and the Commission, and no response was received from the Planning Commission.
 5. The relief requested in the application is granted provided that (a) the construction shall conform substantially with the plans submitted with the application, and (b) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.
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